



301 Rec'd PCT/NO 28 DEC 1999 #12 CT

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**RECEIVED**

20 JAN 2000

Legal Staff  
International Division

*Legal*

18.12.99  
Commissioner of Patents and  
Trademarks  
Washington DC 20231

Re. **US Appl.No: 09/242072**  
**PCT/AU96/00442**  
**Filed 05 AUG 96**  
**Patent Office Notifications**  
dates mailed (printed on Office Actions): 06 OCT 99 & 03.NOV.99

Dear Sir,

On the basis of the following grounds and in compliance with PTO Rules 37 CFR 1.111 and 1.121 I am requesting the vacation of the above identified Office Actions (copies enclosed) and the return of the application to the pending status awaiting examiner action after the applicant's response 07 SEP 99.

**Grounds:**

- The enclosed copy of the front side of the envelope containing the instant Office Actions shows clearly that the mailing date was 08 NOV 99 which is later than the mailing dates printed on the Office Actions.
- It also clearly shows that the letter was returned to your offices because of insufficient postage fee in the form of a stamp and was then reposted 06 DEC 99.
- The letter was delivered at the applicant's address 16 DEC 99.
- The ONE MONTH response period expired ca. 2 weeks before receipt.

An early response from you would be appreciated.

Encl. Copy of front side of Office Action envelope  
Copies of both Office Actions

*[Signature]*

Applicant



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY DOCKET NO.
09/242072	MILLER	P
PETER MILLER 39 SIDNEY GROVE NEWCASTLE, GBX NE45P D		INTERNATIONAL APPLICATION NO.  PCT/AU96/00442
		IA FILING DATE 05 AUG 96
		PRIORITY DATE
DATE MAILED: 06 OCT 99		

### NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

- ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- ☐ does not identify the specification to which it is directed.
- ☐ does not identify the inventor(s).
- ☒ does not identify the citizenship of each inventor.
- ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

- ☐ does not identify the city and state or city and foreign country of residence of each inventor.
- ☐ does not state that the person making the oath or declaration:
  - ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
- ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
- ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Karen Williams  
Telephone: 703-305-3688



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Patent and Trademark Office  
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Box PCT  
Washington, D.C. 20231

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LA. FILING DATE	PRIORITY DATE	
05 AUG 96		
DATE MAILED: 03 NOV 1999		

### NOTIFICATION OF A DEFECTIVE RESPONSE

1. ☐ The request for an extension of time (37 CFR 1.136(a)) filed \_\_\_\_\_ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).

2. ☐ Applicant's response filed \_\_\_\_\_ was received in the Office on \_\_\_\_\_, which is after the expiration of the period for response set in the last Office notification mailed \_\_\_\_\_. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).

3. ☒ Applicant's response filed 15 SEP 99 included the following items, the receipt of which is hereby acknowledged:

- ☐ Copy of the international application in:
  - ☐ a non-English language.
  - ☐ English.
- ☐ Translation of the international application into English ☐ which is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ Processing fee (37 CFR 1.492(f)) ☐ which is insufficient.
- ☒ Oath or Declaration of inventors(s).
  - ☐ in compliance with 37 CFR 1.497(a) and (b).
  - ☒ not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917
- ☐ Surcharge (37 CFR 1.492(e)) ☐ which is insufficient.
- ☐ Copy of Article 19 amendments.
- ☐ Priority Document.
- ☒ Other: A BLANK COPY OF THE DECLARATION IS ENCLOSED FOR THE APPLICANT'S CONVENIENCE.

4. ☒ All of the requirements set forth in the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905 mailed 17 JUN 99) have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five months.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation

Karen Williams *KW*

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